

INTERCHANGE OF CERTAIN FEDERAL AND STATE EMPLOYEES

JUNE 26, 1956.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the
following

R E P O R T

[To accompany S. 1915]

The Committee on Agriculture, to whom was referred the bill (S. 1915) to provide for further effectuating the act of May 15, 1862, through the exchange of employees of the United States Department of Agriculture and employees of State political subdivisions or educational institutions, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 3, line 15, strike out the period after the word "Act" and insert:

; and they shall also be entitled to continuation of their insurance under the Federal Employee's Group Life Insurance Act of 1954, so long as the Department continues to collect the employee's contribution from the employee and to transmit for timely deposit into the Employees' Life Insurance Fund the amount of the employee's contribution, and the Government's contribution from Department appropriations.

Page 4, line 2, strike out "Standard" and insert "Standardized" and following the word "Government" insert "Travel".

Page 5, line 3, following "Sec. 7" insert:

(a) Any State employee who is assigned to the Department without appointment shall nevertheless be subject to the provisions of Sections 281, 283, 284, 434, 1902, 1905, and 1914 of Title 18 of the U. S. Code and Sec. 99, Title 5 of the U. S. Code.

(b)

Page 5, line 17, strike out "Travel Expense Act of 1949," and insert "as amended,".

Page 5, line 18, strike out "travel, or" and insert "travel of".

The purpose of this bill is to permit the Department of Agriculture and the various States to interchange certain employees, pursuant to proper agreements, without those employees losing the employee rights and benefits to which they are entitled. Particularly in the field of agricultural research, it would frequently be desirable for either the Federal Department of Agriculture or one of the States carrying on a research project to "borrow" a person particularly skilled in that field to work on the project. Under existing laws, however, an employee cannot accept such an assignment without the danger of losing his employee rights. This bill will permit such exchanges.

Hearings were held on H. R. 4987 by Mr. Forand. The bill was supported by the Department of Agriculture, the Civil Service Commission, and major farm organizations. The committee has reported an identical Senate bill with amendments recommended by the Civil Service Commission and explained in the letter from Commission Chairman, Philip Young to the Honorable Harold D. Cooley, chairman of the House Committee on Agriculture.

SENATE REPORT

Following is the text of the Senate report, including the letter from the Department of Agriculture recommending enactment of the legislation:

S. 1915 was prepared by a joint committee of the land-grant colleges and the Department of Agriculture to overcome certain personnel difficulties in cooperative work with the States and provides for the interchange of employees by the Department of Agriculture and State and local governments. Department employees interchanged would be either (1) on detail, entitled to salary and all other benefits from the Department, but subject to such State or local supervision as might be agreed upon; or (2) on leave without pay, with all rights of that status plus (a) such annual and sick leave as approved by the Secretary, (b) credit toward periodic and longevity step increases, (c) credit toward retirement upon payment of the appropriate percentage of State pay into the retirement fund, and (d) benefits under the Federal Employees' Compensation Act, unless they elected to receive similar State or local benefits. Transportation expenses in moving employees on either a detail or leave basis to their State assignments and back to their Federal official stations would be paid by the Department, but travel while on State assignment would not be paid by the Department.

State or local employees assigned to the Department might be either (1) on detail, or (2) appointed by the Department without regard to the civil service laws and regulations (i. e., without examination and without tenure). Employees on detail to the Department would not be considered as employees of the Department except for purposes of the Federal Employees Compensation Act and then only if they

had not elected to receive similar State benefits. Travel expenses of employees so on detail would be paid by the Department.

DEPARTMENTAL VIEWS

A favorable report on the bill from the Department of Agriculture is attached hereto as a part of this report.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., July 14, 1955.

Hon. ALLEN J. ELLENDER,
*Chairman, Committee on Agriculture and Forestry,
United States Senate.*

DEAR SENATOR ELLENDER: This is in reply to your request of May 11, 1955, for the Department's views on S. 1915, a bill to provide for further effectuating the act of May 15, 1862, through the exchange of employees of the United States Department of Agriculture and the employees of State political subdivisions or educational institutions.

The Department considers this proposed legislation to be desirable and recommends its passage.

Our close relationship with the States, especially the land-grant colleges, makes it highly desirable for an interchange of personnel where cooperative work is being done. The difference between the Federal Government and State retirement and leave systems, salary schedules, and civil-service systems present serious obstacles in arranging for such exchange of personnel. Employees are reluctant to accept such exchange assignments in view of the loss of benefits they would otherwise have been entitled to should they have remained at their own jobs. The bill would overcome many of these obstacles.

The proposed legislation was prepared on recommendation of the Joint Land-Grant College Department of Agriculture Committee on Training for Government Service. It has been reviewed and endorsed by the Association of Land-Grant Colleges and Universities.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

UNITED STATES CIVIL SERVICE COMMISSION,
Washington 25, D. C., February 15, 1956.

Hon. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. COOLEY: In your letter of May 3, 1955, you requested our views on H. R. 4987, a bill introduced by Mr. Forand to provide for further effectuating the act of May 15, 1862, through the exchange of employees of the United States Department of Agriculture and employees of State political subdivisions or educational institutions. This bill is identical in wording to S. 1915 which passed the Senate July 21, 1955, and was referred to the Committee on Agriculture.

The bill authorizes interchange of employees for periods not to exceed 2 years, either with or without pay by the Department of Agriculture. It contains provisions to protect most of the rights and privileges of exchanged employees.

The Civil Service Commission endorses both the purpose and the specific provisions of the bill and recommends that with the revisions suggested in this letter, the bill be enacted into law.

In reporting on a similar bill, H. R. 8746, introduced by Mr. Forand last year, we suggested certain changes which have been incorporated in the present bill. Since then, we have encountered problems which suggest the desirability of a few additional changes. We recommend that the present section 7 be renumbered section 7 (b) and that a new section 7 (a) be added to provide that:

"Any State employee who is assigned to the Department without appointment shall nevertheless be subject to the provisions of sections 281, 283, 284, 434, 1902, 1905 and 1914 of title 18 of the United States Code and section 99, title 5 of the United States Code."

The effect of this addition would be to make applicable to exchanged non-Federal employees to so-called conflict of interest statutes and certain prohibitions, generally applicable to Federal employees, against disclosure of confidential information acquired in the process of Government work. These statutes are designed to prevent abuse of confidence and influence and should, we believe, be equally applicable to regular Government employees and any persons doing Government work on an uncompensated basis.

We also recommend addition of a new provision permitting Federal employees exchanged on a leave-of-absence basis to retain the insurance protection granted by the Federal Employee's Group Life Insurance Act of 1954, on condition that both the employer and employee contributions are continued during the leave of absence. This can be accomplished by substituting a semicolon for the period following the word "Act" in line 15, page 3, and adding the following: "and they shall also be entitled to continuation of their insurance under the Federal Employee's Group Life Insurance Act of 1954, so long as the Department continues to collect the employee's contribution from the employee and to transmit for timely deposit into the employees' life insurance fund the amount of the employee's contribution, and the Government's contribution from Department appropriations."

We further suggest that lines 2 and 3 of section 5, page 4, be revised to read, "* * * in accordance with Standardized Government Travel Regulations, as amended * * *," and that lines 16, 17, and 18 of section 8, page 5, be revised to read, "* * * in accordance with the Standardized Government Travel Regulations, as amended, for the payment of expenses of travel of persons assigned to * * * ." These changes are needed to correct errors in printing and to make consistent the various references to the travel regulations.

We believe that the proposed exchange of employees is a desirable action which will be of mutual benefit to the Department of Agriculture and the States. The program would have the additional value of serving as a pilot to demonstrate the feasibility and the desirability of extending provisions for exchange of employees to other fields and

agencies. We hope, therefore, that it will receive favorable consideration by Congress.

We are informed that the Bureau of the Budget has no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

PHILIP YOUNG, *Chairman.*

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STATEMENTS OF CERTAIN FEDERAL EMPLOYEES

and the Commission. We have therefore, that it will receive into the Commission
now by Congress.
We are informed that the House of the United States has no objection to
the submission of this report.
By direction of the Commission:

Theresa F. Jones, Chairman